

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA VIDAL, *et al.*,

Plaintiffs,

v.

KIRSTJEN NIELSEN, Secretary, Department of
Homeland Security, *et al.*,

Defendants.

No. 1:16-cv-04756 (NGG) (JO)

December 15, 2017

PLAINTIFFS' NOTICE OF MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that Plaintiffs shall move before the Honorable Nicholas G. Garaufis, U.S.D.J., at the U.S. District Court for the Eastern District of New York, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on January 18, 2018, for an Order pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2) certifying a class of Plaintiffs defined as: (1) all persons with deferred action through DACA as of September 5, 2017; and (2) all persons who are or will be eligible for deferred action under the terms of the original DACA guidance issued by the Department of Homeland Security (“DHS”) in 2012; (3) *except* the individual recipients of, or applicants for, deferred action through DACA who are Plaintiffs in other actions challenging the DACA Termination pending in a U.S. District Court as of December 11, 2017.

This motion is based on the accompanying Memorandum of Law and the Declarations and Attachments annexed thereto, together with Declarations and Exhibits annexed to Plaintiffs' motion for a preliminary injunction filed on this same date, and any other evidence that may be presented to the Court before or at the hearing on this motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule endorsed by the

Court on November 16, 2017, Defendants' opposition papers shall be served no later than January 13, 2018.

Respectfully submitted,

/s/ Michael J. Wishnie

Dated: December 15, 2017

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**Pro hac vice* motion forthcoming

+Admitted only in Louisiana